

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CALVIN BUTLER	:	CIVIL ACTION
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, <u>et al.</u>	:	NO. 12-1955

O R D E R

AND NOW, this 4 day of May, 2012, upon
consideration of plaintiff's complaint and his motion to proceed
in forma pauperis, IT IS ORDERED that:

1. Leave to proceed in forma pauperis is GRANTED.

2. Plaintiff, Calvin Butler, #DP0149, shall pay the
full filing fee of \$350 pursuant to 28 U.S.C. § 1915(b).

Based on plaintiff's financial statement, an initial partial
filing fee of \$16.90 is assessed. The Superintendent or other
appropriate official at the State Correctional Institution at
Mercer, where plaintiff is presently confined, or at any other
correctional facility at which plaintiff may be confined, is
directed to deduct \$16.90 from plaintiff's prisoner account, when
such funds become available, and forward that amount to the Clerk
of the United States District Court for the Eastern District of
Pennsylvania, 2609 U.S. Courthouse, Philadelphia, PA 19106, to be
credited to Civil Action No. 12-1955. Thereafter, until the full
filing fee is paid, the Superintendent or other appropriate
official at the State Correctional Institution at Mercer or at
any prison at which plaintiff may be confined, shall deduct from
plaintiff's account, each time that plaintiff's prisoner account
exceeds \$10, an amount no greater than 20 percent of the money

credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 12-1955.

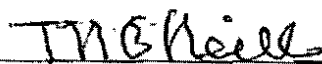
3. The Clerk of Court is directed to send a copy of this Order to the Superintendent of the State Correctional Institution at Mercer.

4. Plaintiff's complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) for the reasons discussed in the Court's Memorandum. Plaintiff is given leave to file an amended complaint within thirty (30) days of the date of this Order. Upon the filing of an amended complaint, the Clerk shall not make service until so ORDERED by the Court.

5. The request for counsel contained in plaintiff's letter to the Court (Document No. 3) is denied without prejudice.

6. This case shall remain CLOSED for statistical purposes.

BY THE COURT:



THOMAS N. O'NEILL, JR. J.